IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

WP(C).No. 1418 of 2007(R)

PETITIONER:

RAVEENDRAN. V.,
SCIENTIFIC ASSISTANT (BLOOD BANK)
MEDICAL COLLEGE, KOZHIKODE.

BY ADV. SRI.V.R.GOPU

RESPONDENTS:
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1. THE SECRETARY TO GOVERNMENT,
HEALTH AND FAMILY WELFARE DEPARTMENT,
GOVT.SECRETARIAT, TRIVANDRUM.

2. THE DIRECTOR OF MEDICAL EDUCATION,
TRIVANDRUM.

3. BEENA. N., SCIENTIFIC ASSISTANT
(BLOOD BANK), MEDICAL COLLEGE,
THRISSUR.

R1 & R2 BY GOVERNMENT PLEADER (SMT. M.R. SREELATHA)
R3 BY ADV. SRI.RAM MOHAN.G.
SRI.G.P.SHINOD
SRI.MANU V.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON ON 02/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 1418 OF 2007 R

Dated this the 2nd February, 2007

JUDGMENT

Petitioner challenges Ext.P5. Ext.P5 is an order passed by the Joint Director of Medical Education. Case of petitioner, in brief, is as follows:

Petitioner is working as Scientific Assistant (Blood Bank) in the Medical College, Kozhikode. By Ext.P5, the third respondent is transferred to the vacancy of Scientific Assistant (Blood Bank) in the Medical College, Thiruvananthapuram. Complaint of petitioner is that petitioner had approached this Court by filing a W.P.(C). No.33575/06 and this Court directed to pass appropriate orders on the representation of petitioner, wherein the petitioner had sought transfer to Thiruvananthapuram Medical College. It is his main contention that it is even without passing final orders on his representation that Ext.P5 is passed.

2. A Counter Affidavit is filed to which a Reply Affidavit

also is filed. It is to be noted that the third respondent has already taken charge on 12.1.2007.

3. Admittedly, there is no case of malafides as such. But, the question to be decided is the manner in which the guidelines relating to determination of out-station service is to be made. In such circumstances, I feel that this is a matter where the petitioner should be relegated to the pursuit of filing a representation before the first respondent. Accordingly, the Writ Petition is disposed of as follows:

If the petitioner files a representation before the first respondent within a period of two weeks from today, the first respondent will consider the same and take a decision in accordance with law, after affording an opportunity of being heard to the petitioner and the third respondent, within a period of one month from the date of receipt of a copy of this Judgment along with the representation.

K. M. JOSEPH, JUDGE

kbk.